

### REMARKS

This submission is responsive to the Office Action mailed February 6, 2007. Claims 1-38 are pending in the application. Claims 8, 13-29 and 33-36 have been withdrawn from consideration. Claims 1, 9, 11, 19, 21 and 22 have been amended. Claims 37 and 38 have been canceled without prejudice. The specification has been amended to bring it in line with the amendments to the claims wherein Fragment C was renamed Fragment F. No new matter has been added.

Applicants' representative, Liza D. Hohenschutz, would like to thank Examiner Andrew Kosar for the very helpful and courteous telephone interview on June 5, 2007 during which the rejections in the Office Action mailed February 6, 2007 and proposed amendments to the claims earlier faxed to the Examiner were discussed. The substance of the interview will be discussed in more detail in connection with Applicants' response to the pertinent rejections.

At page 3 of the Office Action, the Examiner maintained the objection of claim 9. The Examiner alleged that "fragment C" is confusing, and could be mistaken for carbon.

This objection to the specification was discussed with Examiner Kosar during the telephone interview. Examiner Kosar advised Applicants' representative that amending fragment C to fragment F would overcome the objection to claim 9. Accordingly, claim 9 has been amended to replace "fragment C" with "fragment F." Claim 11 and withdrawn claims 19, 21 and 22 were also amended to replace "fragment C" with "fragment F." Additionally, the specification has been amended to replace each occurrence of "fragment C" with "fragment F." No new matter has been added. Withdrawal of this objection to claim 9 is respectfully requested.

At page 3 of the Office Action, the Examiner rejected claims 1-7, 9-12, 23-28, 30-32, 37 and 38 under 35 USC 112, second paragraph for the reasons of record. More specifically, the Examiner alleged that claim 1 is indefinite because it recites "Y is chosen from H and cations," and it is unclear whether Y is a cation before binding to carboxylic acid or whether it is a cation that forms a salt of the carboxylic acid. It was also alleged that claim 1 is indefinite because it recites "R<sup>1</sup> and R<sup>2</sup> together form a cycloalkyl." Finally, it was alleged that the formulae I, II and

VI are indefinite because it is unclear whether the formulae are defining the peptide as a unit or whether A alone is a peptide chain attached an NH and a COOH at the termini.

Applicants' representative discussed this rejection with the Examiner during the telephone interview. Examiner Kosar suggested that amending claim 1 to describe COOH and NH in formulae I, II and VI to describe these groups as part of the peptide or amending the formulae would overcome the rejection. Examiner Kosar suggested that the examples provided support for amending the formulae to describe the COOH and NH as part of the peptide.

Applicants traverse this rejection. Claim 1 has been amended to delete "Y is chosen from H and cations" and insert "Y is selected from the group consisting of H, Li<sup>+</sup>, Na<sup>+</sup>, K<sup>+</sup>, Cs<sup>+</sup>, Mg<sup>2+</sup>, Ca<sup>2+</sup>, Sr<sup>2+</sup>, and Ba<sup>2+</sup>." Support for this amendment can be found in the specification at page 4, lines 30-35. Claim 1 has also been amended to delete cycloalkyl. Further, claim 1 has been amended to state that, in formula I and formula II, HN represents the terminal amino group of A and COOH represents the terminal carboxyl group of A. Claim 9 has been amended to state that, in formula VI, HN represents the  $\alpha$ - amino group when B is an amino acid or the terminal amino group of B when B is a peptide. Support for these amendments to claims 1 and 9 can be found throughout the specification and in particular in Examples 2, 3 and 4. In view of the foregoing amendments, Applicants respectfully request withdrawal of this section 112, second paragraph rejection.

At page 6 of the Office Action, the Examiner maintained the rejection of claims 1-7, 12, 23-28, and 30-32, and rejected claims 37 and 38 under 35 USC 103 as obvious over Smales in view of Marinzi et al., *Bioorg. Med. Chem.*, Vol. 9, pages 2323-2328 (2001), Saha et al, *Tetrahedron Letters*, Vol. 36, No. 21, pages 3635-3638 (1995) and Mimura U.S. Patent No. 6,197,998. At page 9 of the Office Action, the Examiner maintained the rejection of claims 1-7, 9-12, 23-28, and 30-32, and rejected claims 37 and 38 over Smales in view of Marinzi, Saha and Mimura, as applied to claims 1-7, 9, 10, 12, 23-28 and 30-32, and in further view of Anteunis U.S. Patent No. 4,725,645.

Applicants again traverse these rejections. Both rejections were discussed during the telephone interview with Examiner Kosar on June 5, 2007. Examiner Kosar advised Applicants' representative that the proposed amendments to the claims (i.e. the amendment of claim 1 to recite that Y is selected from the group consisting of H, Li<sup>+</sup>, Na<sup>+</sup>, K<sup>+</sup>, Cs<sup>+</sup>, Mg<sup>2+</sup>, Ca<sup>2+</sup>, Sr<sup>2+</sup>, and

Ba<sup>2+</sup>) would overcome the rejections based on prior art. Accordingly, claim 1 has been amended to recite that Y is selected from the group consisting of H, Li<sup>+</sup>, Na<sup>+</sup>, K<sup>+</sup>, Cs<sup>+</sup>, Mg<sup>2+</sup>, Ca<sup>2+</sup>, Sr<sup>2+</sup>, and Ba<sup>2+</sup>.

Claims 1-7, 12, 23-28 and 30-32 are not obvious over the combined teachings of Smales, Marini et al., Saha et al. and Mimura. Claims 1-7, 9-12, 23-28, and 30-32 are not obvious over the combined teachings of Smales, Marini et al., Saha et al., Mimura, and Anteunis.

Withdrawal of both section 103 rejections is respectfully requested.

In view of the above, the present application is believed to be on a condition ready for allowance. Reconsideration of the application is respectfully requested and an early Notice of Allowance is earnestly solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 05129-00072-US. A duplicate copy of this paper is enclosed.

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Respectfully submitted,

By   
Liza D. Hohenschutz

Registration No.: 33,712  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, Delaware 19899  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Applicant

550639